

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

2015-12-15 PM 12:49

[NAME] Virginia Delores Grayam  
[ADDRESS] Tucson AZ 85749  
Complainant,

OFFICE

v.

The Honorable Martha E. McSally  
P.O. Box 19128  
Tucson, Arizona 85731-9128

McSally for Congress and Paul Kilgore, Treasurer  
P.O. Box 19128  
Tucson, Arizona 85731-9128

Respondents.

**MUR # 6953**

**COMPLAINT**

Complainant files this complaint under 52 U.S.C. § 30109(a)(1) against Representative Martha E. McSally and her principal campaign committee, McSally for Congress and its treasurer, Paul Kilgore, in his official capacity (collectively, Respondents) for violating the Federal Election Campaign Act of 1971, as amended ("the Act") and Federal Election Commission regulations, as described below.

**I. FACTS**

Representative McSally is the Member of Congress from Arizona's 2nd District. She is currently running for re-election in 2016. In 2015, Representative McSally's campaign committee, McSally for Congress (the "Committee"), filed two quarterly reports. According to recent reports, there have been a series of irregularities with the McSally for Congress's FEC filings.<sup>1</sup>

<sup>1</sup> Dylan Smith, *Errors in McSally Campaign Reports Add Up to Millions*, Tucson Sentinel (July 17, 2015), available at [http://www.tucson sentinel.com/local/report/071715\\_mcsally/errors-mcsally-campaign-reports-add-up-millions/](http://www.tucson sentinel.com/local/report/071715_mcsally/errors-mcsally-campaign-reports-add-up-millions/).

Perhaps most significantly, Respondents have failed to report the employer and occupation information for a large portion of their donors, perhaps as part of an effort to obscure the Congresswoman's sources of support. From January 1 through March 31, 2015, Respondents failed to report the employer and occupation information for 189 of the 269 individuals (70 percent) who contributed to the Committee.<sup>2</sup> Between April 1 and June 30, 2015, Respondents failed to report the employer and occupation of 675 of the 956 (70.5 percent) individual contributors to the Committee.<sup>3</sup> In both cases, the report says "Information Requested" for each of the donors missing the employer and occupation information.<sup>4</sup>

In the 2013-2014 election cycle, Respondents did not fare much better, failing to provide employer and occupation information for 26 percent of their donors.<sup>5</sup> The seriousness of this failure is illustrated by comparison to Representative McSally's colleagues in the House: During that same time frame, the principal campaign committees of other Members of the House of Representatives from Arizona had far lower omission rates of 4.2 percent,<sup>6</sup> 1.4 percent,<sup>7</sup> 1.2 percent,<sup>8</sup> .8 percent,<sup>9</sup> .6 percent,<sup>10</sup> .5 percent,<sup>11</sup> .3 percent,<sup>12</sup> and .1 percent.<sup>13</sup>

<sup>3</sup> *Id.*.

<sup>4</sup> *Id.*,

<sup>5</sup> See Other Data, 2013-2014, Rep. Martha McSally, [Opensecrets.org](https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00033982&newMem=Y&type=I), available at <https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00033982&newMem=Y&type=I>.

<sup>6</sup> Other Data, 2013-2014, Rep. Ruben Gallego, [Opensecrets.org](https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00036097&newMem=Y&type=I), *available at* <https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00036097&newMem=Y&type=I>.

<sup>7</sup> Other Data, 2013-2014, Rep. Trent Franks, [Opensecrets.org](https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00006423&type=I), available at <https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00006423&type=I>.

<sup>8</sup> Other Data, 2013-2014, Rep. Matt Salmon, [Opensecrets.org, available at](https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00006446&type=I) <https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00006446&type=I>.

<sup>9</sup> Other Data, 2013-2014, Rep. Paul Gosar, [Opensecrets.org](https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00030771&type=I), available at <https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00030771&type=I>.

<sup>10</sup> Other Data, 2013-2014, Rep. Raul M. Grijalva, Opensecrets.org, *available at* <http://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=n00025284&type=I>.

<sup>11</sup> Other Data, 2013-2014, Rep. Kyrsten Sinema, [Opensecrets.org](https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00033983&type=I), available at <https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00033983&type=I>.

<sup>12</sup> Other Data, 2013-2014, Rep. David Schweikert, Opensecrets.org, *available at* <https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00006460&type=I>.

<sup>13</sup> Other Data, 2013-2014, Rep. Ann Kirkpatrick, [Opensecrets.org](https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00029260&type=L), available at <https://www.opensecrets.org/politicians/otherdata.php?cycle=2014&cid=N00029260&type=L>.

## **II. LEGAL ARGUMENT**

Federal law requires campaign committees to publicly report the identity of each contributor who has made contributions to the reporting committee that aggregate in excess of \$200 per election cycle.<sup>14</sup> Such identification must include an individual's name, mailing address, and employer and occupation.<sup>15</sup> In order to comply with this requirement, the law requires the treasurer of each political committee to use his or her "best efforts" to "obtain, maintain and submit the information required by the Act for the political committee."<sup>16</sup>

Here, the facts suggest that Respondents failed to meet this obligation. As noted above, Respondents did not report the employer and occupation for over 70 percent of their contributors in the first half of 2015. In the 2013-2014 election cycle, Respondents failed to report the required information for 26 percent of their donors. These statistics are astounding, especially in light of the fact that other elected Members of Congress from Arizona only failed to provide disclosure for .1 to 4.2 percent of their donors during the 2014 election cycle. These stark numbers show that, at best, Respondents failed to exercise their best efforts to meet their obligations under the Act. At worst, they may reflect an intentional effort to obscure from the public Respondent's sources of contributions.

<sup>14</sup> 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. § 104.3(a)(4).

<sup>15</sup> 52 U.S.C. § 30101(13); 11 C.F.R. § 100.12.

<sup>16</sup> 52 U.S.C. § 30102(i); 11 C.F.R. § 104.7.

### III. REQUESTED ACTION

As shown above, Respondents have violated the Act by failing to properly report the employer and occupation of over 70 percent of their donors in 2015 and over a quarter of their donors in the 2014 election cycle. We respectfully request that the Commission investigate these violations to determine whether they were knowing and willful, and that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,

Virginia Delores Grayson

SUBSCRIBED AND SWORN to before me this 31 day of July, 2015.

Martin Bacal

Notary Public

My Commission Expires:

MARCH 3, 2016

